



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MISCELLANEOUS COLONIAL DOCUMENTS.

FROM THE ORIGINALS IN THE VIRGINIA STATE ARCHIVES.

(CONTINUED.)

LETTER TO MR. LEHEUP, AGENT FOR VIRGINIA.

To Mr. Leheup:

Sir. Herewith you will receive a Case stated between the Kings Attorney for & on behalf of — the Agent of the Proprietors of the Northern neck concerning their pretentions to the Fines & forfeitures,¹ Deodands & Goods of Felons within that Territory by vertue of the Charters granted by King Charles ye 2d and King James the 2d Copys of which are here inclosed.

I need not repeat to you the occasion of this dispute w'ch is but of few years standing since it is fully related in the Case, but as it more particularly concerns the — Revenue, I desire you will communicate it to Mr. Aud'r Walpole, and according to his advice, to proceed in the determination thereof with as much speed as possible, The whole matter being submitted to the Attorney & Sollicitor Gen'l their opinion.

It will also be fitt to communicate this matter to the Board of trade and if it be necessary that Council should attend on the King's behalf, I hope their Lord'ps will direct their Council for that Service, I have advised their Lord'ps that you will attend them with the Case w'ch I desire you will do, and—

[Endorsed]

L'r to Mr. Leheup to present Case about Fines &c. on Northern Neck, 1726 or '27.

¹By the Northern Neck patent issued by Charles II and confirmed by James II, the General Assembly of Virginia was given full power to impose taxes on the territory of the Northern Neck and to make and execute laws for the people of that section in the same manner as for those in other portions of the Colony (*Hening*, IV, 519). The Northern Neck never was in any sense, a palatinate, or had any independent jurisdiction. The proprietors, Culpeper, Fairfax, &c., simply owned the lands, and such profits as quit rents and escheats, which arose from them.

EXTRACT FROM THE COUNCIL JOURNAL, 1732.

June 7th 1732.

Present:

As in the Assembly Journal.

A Letter from Isham Randolph giving an Acco't of his Negotiations in opposing ye bill for prohibitory trade with ye Forreign Sugar Colonys and the other bill proposed by the Merch'ts for the more easy recovery of Debts in his Ma'tys plantations — with a copy of the s'd bills themselves and his representations —. And the Board approving his conduct It is ordered that ye Sum of £200 It be remitted him by the Rec'r Gen'l out of his Ma'tys Revenue of 21 ⁸/₁₀ hh'd towards — Sollicitation.

A Letter Mandatory from the R't hon'ble the Lords of the Treas'y to ye Gov'r & Council relating to Colo. Spotswoods demand for his Journey to Albany. It is ord'd that a copy thereof be sent to Colo. Spotswood that he may lay his proofs & Vouchers before this Board.

On the pet'n of the Inhabit'ts of St. Johns parish Ord'd that 2 Churches be built in s'd parish.

[Endorsed]

Petitions for Land & Caveat 1730 & 1731 Mutilated Proceeding of Council June 7th 1732.

COMMISSION OF ABRAHAM NICHOLAS¹ AS ADJUTANT GENERAL.

By Vertue of the Power & Authority to Me given by his Majesty as Commander in Chief of this Colony: I do hereby Constitute and Appoint you the said Abraham Nicholas to be Adjutant to all his Majesty's Militia both Horse & Foot within this Colony & Dominion of Virginia. You are therefore carefully & diligently to discharge the Duty of Adjutant by doing &

¹Major Abraham Nicholas was mayor of Williamsburg 1736. The *Virginia Gazette*, September 1-8, 1738, has the following notice of his death: "On *Sunday* morning last died, after a long and tedious Indisposition, Major *Abraham Nicholas*, who, for some Years, was Adjutant General of this Colony. And was bury'd the same Night in a very handsome Manner."

performing All and all Manner of Things thereunto belonging; Particularly by taking Care that all the Militia both Horse and Foot as well Officers as Soldiers, within all and every County of this Colony & Dominion of Virginia be taught the use of the Firelock, Firing in Plattoons, Marching & Counter-marching, and all other Things that Officers or Soldiers ought to know and Do. And I do hereby Charge & Command the County Lieutenants or the Commanding officers of the several Counties, within this Dominion, to appoint proper Time & Place in their respective Counties, and to order all their Officers to attend you Then & There, to be by you instructed in their respective Duties, and the Method and Manner of Exercising and Forming their respective Corps. And you are to follow such Orders & Directions from Time to Time as you shal receive from his Majesty, myself, or any of the Comanding Officers in the several Counties, and to Act upon all Occasions according to the Rules & Discipline of War.

[Endorsed]

Abraham Nicholas, Appointm't as Adjutant General without signature or date, App't probably made 1733. See King's Warrant for Salaries of Dec'r 16, 1733.

PETITION OF STERLING CLACK³ FOR LICENSE TO PRACTICE
LAW.

To the Hon'ble James Blair President of his Majesty's Council and Commander in Chief of this Colony in Council:

The Humble Petition of Sterling Clack, Sheweth

That your Petitioner having for some time past Studied the Law, apprehends himself Qualified to practice in the County Courts of Virginia.

Your Petitioner therefore Humbly Prays that your Honour will grant him a License for that Purpose.

And your Petitioner shall pray &c.

³Sterling Clack was afterwards clerk of Brunswick county. For a note on him and his family see this Magazine, VIII, 60, 61.

Nov'r 3, 1740.

Referred to Mr. Attorney General or to Richard Francis Esq'r
to Examine & report the Pet'r Qualifications.

Benj'n Needler.

Dec'r 11, 1740.

I am of opinion that the Pet'r is Qualified to practice as
pray'd for.

R. Francis.

[Endorsed]

S. Clacks Petition for Licence to Practice Law.

PETITION OF JOHN PALMER FOR LICENSE TO PRACTICE LAW.

To the Honourable James Blair President of his Majesties
Council & Commander in Chief of this Colony in Council:

John Palmer Humbly sheweth

That he hath lived for several years past with his Majesties
Attorney General as his Clerk & thereby gained some knowledge
in the Law and apprehends he is qualified to practice as an
Attorney at the County Courts.

Your Petitioner therefore humbly prays your Honour will
grant him a Licence for that purpose. And he shall pray &c.

I am humbly of opinion that the Petitioner is qualified to
practise at the County Courts.

Edw. Barradale.

Nov r 3d 1740.

Referred to Mr. Attorney General or to Richard Francis
Esq'r to examine and report the Pet'rs Qualifications.

Benja. Needler.

I humbly Certify that I think that the Pet'r is Qualified to
practice as pray'd for.

R. Francis.

Nov'r 12 1740.

[Endorsed]

John Palmer's Petition for Licence.

PROCLAMATION FORBIDDING THE EXPORTATION OF INDIAN
CORN, 1742.

Virginia—Ss.

By the Lieutenant Governor and Commander in Chief of This Dominion.

A Proclamation,

To prohibit the Exportation of Indian Corn.

Whereas Upon consideration of the Shortness of the Present Crop of Indian Corn, it is found necessary to prohibit the Exportation of the same. I have therefore thought fitt, by and with the Advice of His Majestys Council, to Issue this proclamation hereby Strictly prohibiting the Exportation of any Indian Corn after this Day Until the last day of April next. Under the penaltys contained in the Act of Assembly made in the first Year of His present Majesty's Reign, intituled an Act for prohibiting the Exportation of Grain in the time of Scarcity And I do hereby require the Officers of His Majesty's Customs to Use their Utmost Diligence to Detect and prosecute the Offenders for the said penaltys inflicted by Law. And I do Appoint this proclamation to be read and published at the Court houses Churches and Chapels in each respective County within this Colony; And that the Sherifs take care the same be done accordingly.

Given at the Council Chamber, in Williamsburg on the fourth day of November in the Sixteenth Year of His Majestys Reign.

William Gooch.

[Endorsed]

Proclamation 4th November 1742, To prohibit the Exportation of Indian Corn until the last day of April next.

COMMISSION OF ROBERT STAUNTON AS CLERK OF THE COUNCIL.

William Gooch Esq'r His Majesty's Lieutenant Governor & Commander in Chief of the Colony and Dominion of Virginia.

To all to whom these Presents shall come Greeting, Know Ye, That by Virtue of the Powers and Authorities to Me Given, I the said William Gooch reposing Especial Trust and Confidence in the Faithfulness Abilities and Circumspection of Robert Staunton Gent. Have Given Granted and by these presents Do Give and Grant Unto the said Robert Staunton the Office of Clerke of the

Council of the said Colony and Dominion of Virginia To have hold and Exercise the said Office Unto him the said Robert Staunton during pleasure And also to have take and Receive to him the said Robert Staunton all Salarys and Profits thereunto belonging or in any wise Appertaining.

Given under My hand and the Seal of the Colony at Williamsburg this 31st day of August in the Sixteenth Year of His Majesty's Reign Anno q Dom. 1742.

William Gooch.

[Endorsed]

Rob't Staunton's Com'n as Clerk Council 1742.

PAPERS IN REGARD TO THE FORT LAND AT POINT COMFORT.⁴

Blanfield Dec'r ye 7th 1742.

Hon'ble Sir:

When I had the honour to dine with you at W'msburg I show'd you my Patent for Point Comfort which includes the Fort and all the buildings and as the Government hath thought fit to build them there without giving me any thing for my Land I think I have an undisputed Right to them all, but as I design to sell the Land and would avoid a Lawsuit I hope the Governor & Council will be pleased to buy All the Island &c of me and as I may recover the Fort & buildings I hope that they will not scruple to give me £120 Sterl'g for the whole there being 120 acres more or less. I beg the favour of you to lay this matter before the Governor and Council & to let me know what I am to expect. Pray pardon me for Giving you this trouble for I am most sincerely Hon'ble Sir,

Your most obedient humble servant,

W. Beverley.

[Addressed]

To The Hon'ble John Grymes Esq'r at W'msburg.

⁴There was a long contest over the title to the land at Old Point Comfort whereon Fort George was built; but the Colonial government evidently believed that Beverley had a legal title to the land. Unless it had been escheated it is difficult to see how there could have been any unpatented land at Old Point as late as 1706.

[Endorsed]

Col. Beverley Ire to Col. Grymes. His Demand for Point Comfort.

[Enclosure]

To The Honourable William Gooch Esq'r, His Majesty's Lieut. Governour of Virginia and the Honourable Council of State.
William Beverley

Humbly Shews that he has an absolute Right in fee Simple to all those Lánds, Sands, Islands and Marshes at the Mouth of James River called and known by the name of Point Comfort and whereon Your Honours have Erected & built Fort George without my leave and consent being first had and Obtained, and in December last I acquainted Your Honours therewith & was then in hopes my demand of one hundred & twenty pounds Sterling for the said Lands would have been readily granted but Your Honours have put me off from time to time without coming to any resolution, I must now beg your Honours will excuse me for raising my Demand to two hundred pounds Sterling. And I humbly hope that Your Honours will let me know your Resolution this Court of Oyer and Terminer. I am at all times, May it please Your Honours,

Your most Dutiful & most obedient humble servant,

W. Beverley.

December the 8th, 1743.

[Endorsed]

Wm. Beverley's Demand for ye Land ab't Point Comf't.

[Enclosure]

This Indenture made the twenty fifth Day of October in the Eighteenth Year of the Reign of our Sovereign Lord George the Second King of Great Britain &c., and in the Year of our Lord Christ one thousand seven hundred and forty four Between William Beverley of the County of Essex Gent. of the one Part and the Hon'ble William Gooch Esquire Lieut. Governor of Virginia of the other Part.

Witnesseth That the said William Beverley for and in Consideration of the Sum of One hundred and five Pounds Current Money to him in hand paid at or before the Ensealing and

Delivery of these Presents the Receipt whereof he doth hereby acknowledge Hath Granted bargained sold aliened released Enfoeffed and confirmed and by these Presents Doth Grant bargain sell alien release Enfoeff and confirm unto the said William Gooch his Heirs and Assigns for ever All that Neck or Point of Land Sand and Marsh on the South West End of Point Comfort containing about one hundred and twenty Acres Which said Tract of Land was granted unto Robert Beverley dece'd by Patent bearing Date the Second Day of May 1706 and from him descended to the said William Beverley Party to these Presents as his Eldest Son and Heir at Law And all Houses Outhouses Edifices Buildings Gardens Orchards Woods Underwoods Trees Ways Waters Watercourses Profits Commodities Hereditaments and Appurtenances whatsoever to the said Tract of Land belonging or in any wise appertaining And the Reversion and Reversions Remainder and Remainders Rents Issues and Profits thereof and of every Part and Parcel thereof And all the Estate Right Title Interest Property Claim and Demand whatsoever of him the said William Beverley of in and to the same and every Part thereof To have and to hold the said Tract of Land and Premises with the Appurtances unto the said William Gooch his Heirs and Assigns To the only proper Use and Behoof of his Majesty his Heirs and Successors for ever And the said William Beverley doth Covenant Promise and agree to and with the said William Gooch and his Heirs and Assigns That he the said William Beverley and his Heirs and all and every Person or Persons claiming by from or under him or them shall and will at all Times hereafter upon the reasonable Request Costs and Charges in the Law of them the said William Gooch and Heirs and Assigns make Execute & acknowledge or cause and procure to be made Executed and acknowledged any further or other lawful & reasonable Act or Acts Thing or Things Devices Conveyances or Assurances in the Law for the further better and more perfect conveying and assuring the said Tract of Land with the Appurtenances unto the said William Gooch his Heirs and Assigns forever for the Uses aforesaid as by him or his Counsel learned in the Law shall be devised advised or required And that he the said William Beverley and his Heirs the said Premises with the

Appurtenances unto the said William Gooch his Heirs and Assigns for ever for the Uses aforesaid against all and every Person and Persons whatsoever and against the Dower of his present Wife Elizabeth shall and will Warrant and forever defend by these Presents. In Witness whereof the said Parties to these Presents their Hands and Seals have interchangeably set the Day and Year first above written.

W. Beverley,
William Gooch.

Sealed and-Delivered in Presence of,

W. Wager,
George Nicholas,
Roger Dixon Jun'r.

[On other side of sheet]

Received the twenty fifth Day of October 1744 of the Hon'ble John Grymes Esq., his Majestys Receiver General of Virginia the sum of one hundred and five Pounds being the Consideration within mentioned. £105.

W. Beverley.

Witness

W. Wager,
George Nicholas,
Roger Dixon Jun'r.

[Below]

Virginia ss't

At a General Court held at the Capitol October the 25th, 1744. This Indenture was acknowledged by the Parties thereto and the Receipt endorsed was also acknowledged by William Beverley one of the said Parties and together with the said Indenture Ordered to be Recorded.

Teste.

Ben Waller, Cl. Cur.

[Endorsed]

Beverley to the Governor, Deed, Re'd E'd 1744.

HENRY EMBRY⁵ TO THE GOVERNOR.

Brunsw'k June 25th, 1746.

Hon'ble Sir:

Being in a low State of health ere since I was with your hon'r last has rend'red me incapable of waiting on y'r hon'r for som more Military Comm. to settle the militia in a Legal manner in Lunenburg that they may be under True Disciplin in this time of Danger.

When I waited on your hon'r last you mentioned som thing Concerning Thos. Ridge & your hon'r was so kind as to Tell me as I was Sherif I might have the Prefer'e of going to him. But y'r hon'r shoud know Further of the matter when the Council met.

And if your hon'r with the Council has Consulted that a person or persons shou'd be employed to go to him, And its your hon'rs Pleasure to Conferr upon me as a Person proper to serve my Country in such an affair, I shou'd be glad to know as soon as possible, That I might Indeavor to know by inquiry where the Villian Resides before I set out from home & I am,

Hon'ble Sir wishing ye health & Prosperity & ye most Obed't serv't,

H. Embry.

[Addressed]

To the Honourable William Gooch.

[Endorsed]

H. Embry's L'r relating to Thos. Ridge.

MEMORIAL OF THOMAS BULLITT.⁶

The Memorial of Thos. Bullitt, Humbly represents that at the

⁵Henry Embry was at this time commander of the militia of Lunenburg county. He was a Burgess for that county at the sessions of October, 1748, and April, 1749, and died in 1763. See this Magazine, XVII, 100.

⁶On February 19, 1754, Governor Dinwiddie issued a proclamation offering a bounty of 200,000 acres on the east side of the Ohio to such volunteer officers and soldiers of Virginia in the war with France as should deserve the same (*Hening*, VII, 661, 662). Thomas Bullitt served with distinction throughout the war and was appointed Adjutant General of Virginia at the beginning of the Revolution.

Close of the war your Memorialist, did engage to act for several of the officers (not present) Claimers in the Two hundred thousand Acres of Land, and being desirous of Complying with his ingagement, with due deference to the superior wisdom of the board, would propose, that as the distinction of ranks will probably be made in Quantity, the further preference of Choice, may not Likewise be given as it will enable a Few principle officers, by Annexing Purchased Claims to their own, to Lay of and possess themselves of the Most Fertile parts of these Lands, without Giving their Fellow Soldiers, the Equitable Chance of Balloting for Choice, where it is not agreed on, Your Memorialist always submitting his opinion to the Superior wisdom of the Board, would further observe the Undeterminate Allotment of these Lands by the Proclamation, as the Express words of it Implies they are Given as a reward, to the officers and soldiers according to their Respective Merits, this seems to be a necessary Consideration of Your Honours, before any Devision Can be Made. And so some Cadets served on the Campeign 1754, who had not their Comissions made out for them, Till after the Action of the Meadows, tho Vacancys Happened to which they succeeded before, (which is the Case with your Memorialist) hope they will be Considered, otherwise they will be Excluded the Bounty Intended by the Proclamation.

Your Memorialist as in duty Bound will pray.

[Endorsed]

Thomas Bullitt, his Memorial read in Council Oct. 31, 1770.

At same time Claim of Col. Carlyles was put in, and ment'd in a private letter to Mr. Fairfax.

MEMORIAL¹ OF JAMES ABERCROMBY.

The Memorial of James Abercromby, Agent for the Government of Virginia in Support of The Address to his Majesty from the Council of Virginia.

¹In 1755 the English government had directed Governor Dinwiddie to give to South Carolina £2,000 out of the public money of Virginia which was subject to the Governor's warrant. He obeyed; but the use of the Colony's funds, without its consent, brought forth a strong protest from the Council of Virginia.

Humbly Sheweth, That your memorialist being Instructed, in the Most Earnest and peremptory manner, by the Council of Virginia, To make Use of every Consistant Argument, and means that can be Suggested, to his Majesty's Ministers, for Supporting the Address, which he has the Honour herewith to put into your hands, and in which they Conceive, that his Majesty's Service, and the peace and quiet of that Colony, is most Essentially Interested.

Your memorialist thereupon, in the first place, begs leave to Observe, that the Council of Virginia, by the Constitution of that Colony, are The Judges, and the only Judges of Law in the Province, And as such, that they are called upon, by Virtue of their Office, to take Notice of, and to Maintain the Laws of the Province, whether in Council or on the Bench, and Accordingly with great Humility, and respect, they have pointed out to his Majesty in how far The Warrant now in question, and, the Secretary of States Letter to Lieutenant Governor Dinwiddie in Consequence of Such Warrant, do Appear to them, to be Inconsistent with the principles, and with the Letter of the Laws of Virginia.

Secondly, That as the Council of State for the said province, as privy Councillors, in provincial Matters, they are in Duty bound, to Represent to the Crown, whatever may advance or prejudice, the service of Government, and therefore, with great Judgment and prudence, they have Taken up the Consideration of this Matter, as a Matter of State, and without throwing it into the hands of the Legislature, and the house of Burgesses, which in the Critical posture of Affairs in the Province, must have Distracted their Measures, Distressed his Majestys Service and disquieted the Minds of the people in America, where Accord and Unanimity In Government Measures, is so Essentially Necessary Against the Common Enemy; and with so great Circumspection, the Council of Virginia have Acted on this Occasion, that they have kept in profound Secrecy, from The House of Burgesses, the Application of the money (in Consequence of his Majesty's Orders) to Extra provincial Services.

That the Council of Virginia, thus Situated, Actuated by no other Motive; from no other principle, than that of his Majestys Service, and the peace and Tranquility of his Majestys Subjects

Inhabiting Virginia, thro' the Security of their Laws, have with great propriety Addressed his Majesty, that he will be pleased, to reconsider the Warrant mentioned in their said Address, And to revoke the same, Together with his Orders Given in Consequence thereof, to Governor Dinwiddie Amongst many others, for these following Reasons, which they Conceive to be well founded on the principles of the Laws of the Country, on the Rules of Sound Policy of State, with regard to Plantation Government and on Prudence, with regard to Virginia.

And First, Because that it does Appear to them, by Comparing the Kings Warrant, with the Act of Assembly of Virginia of the 23d of Car. 2d Cap 3 S 2 fo. 32 in the Book of Virginia Laws, "Intituled An Act for raising a publick Revenue for the better Support of the Government of his Majestys Colony of Virginia." That the said Warrant is Inconsistent with, and not Grounded on the principles of the Law, in so far as that, the Money arising from the Duty of Tobacco in Virginia, is Directed in, and by the said Warrant, to answer and to repay, Services of other Governments as well as that of Virginia.

Whereas, the Law does direct, the Money arising from such Duty, to the purposes of the Government of Virginia only: And, it is to be here observed, that the Averment, in the Preamble, to that part of the Warrant relative to the Application of this Duty does Declare (and, In so far, does agree with the Law) that the Duty, of 2s. ~~3~~ hogshead on Tobacco in Virginia is applicable to the Contingent Expense of Government There meaning Virginia. Nevertheless, by Subsequent Words therein Set forth, it does direct the Application of the said Money, so arising from the said fund, to Answer the Services and purposes of Other Governments, a Latitude thereby taken, which if by no means Given, by the Law, the Words whereof, as set forth in the Address, are Expressly, that the said Duty, so Granted to his Majesty his Heirs and Successors, shall be to, and for no other Use, Intent, or purpose whatsoever, then that of Virginia; In so far then, the Letter from the Secretary of State to Lieut. Governor Dinwiddie, in Consequence of this Warrant, Directing him to pay One Thousand pounds of the Money Arising from this Duty, in Virginia, to the Government of South Carolina, must be deemed, manifestly Repugnant to the Express Letter

of the Law of Virginia; which Law, nor any other Law in the plantations, Assented to by the Crown, without an Infringement of the Rights of the People, cannot be Dispensed with, and on this principle alone, the Council of Virginia Confiding in the Rectitude of his Majestys Government, might have rested their Address To his Majesty, for the Reconsideration of this Warrant and for the Revocation thereof, together with the Letter of State in Consequence of the Warrant, as being Repugnant to the Laws of the Country.

But, the Council of Virginia, being Sensible how much The Fate of this their Address may Influence the Measures of all Other his Majestys American Governments, as well as Virginia, from the principles of Policy, as well as of Law.

They think it becomes them, therefore, in Duty to his Majesty thereupon further to urge, the Revocation of this Warrant, and the Necessity of a very Strict Adherence, on the part of Crown, to the principles, and to the Express Letter of the Law: Because, the Law now in Question, is the only Instance in Law, and the Government of Virginia, the only Government in north America, Wherein that Capital Point of Government, so Essentially Necessary for his Majestys Service in the Plantations, and which of late, has been very wisely, more particularly Attended to, by those at the head of the plantation Affairs, has been Effectually Carried into Execution, by the Law, in Terminis of the Kings Instruction, for the Establishment of a permanent, & Indefinite Revenue by Law, Applicable by the Governor & Council, without the Intervention of the Assembly, for Defraying the Necessary Charges of Government, any the least Deviation then, from the principles of this Law, by the Application of the Money thereby Given to the Crown, for provincial purposes only, towards Extra Services, in other Governments, it is humbly Conceived must Defeat the Operation of the said Instruction, and prove a perpetual Bar, and Example to future Assemblies, against their granting permanent & Indefinite Revenues to the Crown, for provincial Services.

Lastly the Council of Virginia, to Legal and Political Arguments, in Support of their Address, have very wisely pointed out, to his Majesty's Consideration, prudential Reasons, why the

further Operation of this Warrant (admitting the same as it now stands, was not Lyable to Exceptions in point of Law) should now be restrained, in its further Operation, Because, this Revenue of 2 Shillings p Hogshead, being the only Revenue, in the hands of the Crown, Subject to the disposal of the Governor and Council, in Subordination never the less, to the Orders of the Crown, According to Law, for the Ordinary and Extraordinary Exigences, of the Government of Virginia, as the Warrant now stands quo ad the Extraordinary Exigencies of Government, the hands of Government are thereby tyed up, in so far as that, the half yearly Balance thereof, According to the Letter of the Warrant, is become mortgaged, To the Use of the pay Office only; and in so far therefore, Absolutely Anihilated as to any Extraordinary, and Eventual Emergencies of Government, that may require Immediate provision, as in the Case of Arms, taken Notice of in the Address. And so in fact, from the Strict Execution of this Warrant, by Governor Dinwiddie Upon the last Ballance, there now remains in the hands of the Government of Virginia, no more than Seven Hundred pounds, a Sum, by no means equal to Answer Extraordinary Exigencies of Government, in time of Eminent Danger, especially, when it comes Attended, with this Meloncholy Circumstance, that in proportion, as the Danger and Exigencies of Government do Increase, that the Fund for the Support of Government does decrease in its produce, Consequently, the Ballance, beyond the Ordinary Expence of Government, greatly reduced; a Consideration Added to that of the Necessity, of Resupplying the provincial Military Magazine with Arms and other Implements of War, and the many Urgent Reasons Offered by the Council of Virginia, it is humbly hoped, may Engage his Majestys favour, in now totally revoking the said Warrant inasmuch as that the said Warrant has been fully Carryed into Execution by the Lieu't Governor, so far as the present posture of Affairs will Admit of, or that his Majesty will be Graciously pleased, to put such Construction thereon, as may reconcile the further Operation thereof To the Rules of Law, and the peace quiet and Security, of the Government of Virginia.

For which good purposes Your Memorialist Earnestly begs

Leave to crave the Interposition of Your good Offices In Conjunction with those of his Majestys Ministers.

And your Memorialist shall &c't,

James Abercromby.

To his Grace the Duke of Newcastle.

[Endorsed]

James Abercromby Ag't for Gov'r of Virginia. Memorial to Duke of Newcastle in support of the Address of the Council of Virginia. 1755.

(TO BE CONTINUED)

VIRGINIA IN 1650-1652.

(Abstracts by W. N. SAINSBURY, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

(CONTINUED)

LICENSE FOR NEW ENGLAND TRADE, NOVEMBER 28, 1650.

The Draft of a license for the inhabitants of New England to trade to Barbadoes, Antigua, Bermudas or Virginia until the last day of July 1651. notwithstanding the Act of 3 Oct., 1650 prohibiting such trade by reason that the distance being so great they cannot have any such certain knowledge of said act as to observe the time limited by the said Act. 3 pp.

(*Interregnum Entry Book*, Vol. 41, pp. 79-82.)

ORDER OF THE COUNCIL OF STATE, MAY 28, 1651.

That the petition of Abraham Palmer (?) and Thomas Webber being now read, it is ordered That they have liberty to trade to Virginia upon security given in the Court of the Admiralty that they shall not trade with the enemies of the State of Virginia nor give any assistance to them And that letters of a private man of war be given to them to enable them to do service to the Commonwealth.

(*Interregnum Entry Book*, Vol. 47, p. 167.)